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Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

ACETO CORPORATION, *et al.*,<sup>1</sup>  
  
Debtors.

Chapter 11

Case No. 19-13448 (VFP)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTER SCHEDULED  
FOR HEARING ON APRIL 9, 2019 AT 1:30 A.M. (ET)<sup>2</sup>**

**UNCONTESTED MATTERS**

1. Debtors' Motion to Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business [Docket No. 164; Filed 3/18/19].

Related Document(s):

- a) Affidavit of Service [Docket No. 206; Filed 3/22/19]

Objection Deadline: April 1, 2019 at 11:59 p.m. (ET)

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Aceto Corporation (0520); Aceto Agricultural Chemicals Corporation (3948); Aceto Realty LLC (7634); Rising Pharmaceuticals, Inc. (7959); Rising Health, LLC (1562); Acetris Health, LLC (3236); PACK Pharmaceuticals, LLC (2525); Arsynco, Inc. (7392); and Acci Realty Corp. (4433).

<sup>2</sup> Pursuant to the *Letter Memorializing Deadlines and Scheduling of Matters* [Docket No. 318], the hearing on the matters set forth herein was adjourned by the Court from April 8, 2019 to April 9, 2019 at 1:30 p.m. (ET).

Response(s) Received: Informal comments have been received from the Committee and will be incorporated into a revised order to be submitted.

Status: This matter is going forward.

2. Debtors' Motion For Entry Of An Order (I) Approving Mutual Release Of Claims By And Between The Releasing Debtors And The Stalking Horse Bidder Released Parties Pursuant To Rule 9019 Of The Federal Rules Of Bankruptcy Procedure And In Furtherance Of The Section 363 Sale Of The Debtors' Pharma Business; And (II) Granting Related Relief [Docket No. 172; Filed 3/18/19].

Related Document(s):

- a) Affidavit of Service [Docket No. 206; Filed 3/22/19].
- b) Notice of Amended Mutual Release Agreement in Connection with Debtors Motion for Entry of an Order (I) Approving Mutual Release of Claims by and Between the Releasing Debtors and the Stalking Horse Bidder Released Parties Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure and in Furtherance of the Section 363 Sale of the Debtors Pharma Business; and (II) Granting Related Relief [Docket 257; Filed 3/31/19]

Objection Deadline: April 1, 2019 at 11:59 p.m. (ET)

Response(s) Received: Informal comments have been received from the Committee and the release parties and will be incorporated into a revised order to be submitted.

Status: This matter is going forward.

3. Debtors' Motion For Entry of an Order (I) Authorizing But Not Directing the Debtors to Effectuate Certain Merger and Conversion Transactions in Aid of Section 363 Sales, and (II) Granting Related Relief [Docket No. 173; Filed 3/18/19].

Related Document(s):

- a) Affidavit of Service [Docket No. 206; Filed 3/22/19].

Objection Deadline: April 1, 2019 at 11:59 p.m. (ET);

Response(s) Received:

None

Status: This matter is going forward.

**CONTESTED MATTERS:**

1. Debtors Motion for Orders (I) (A) Authorizing and Approving Bidding Procedures in Connection With the Sale of Substantially All Assets Comprising the Debtors Pharma Business; (B) Authorizing and Approving Bid Protections; (C) Approving Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; (D) Scheduling a Sale Hearing; (E) Approving the Form and Manner of Notice Thereof; and (F) Granting Related Relief; and (II) (A) Authorizing and Approving the Sale of Substantially All Assets Comprising the Debtors Pharma Business Free and Clear of All Claims, Liens, Rights, Interests, and Encumbrances, (B) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto, and (C) Granting Related Relief (the “Pharma Sale Motion”) [Docket No. 109; Filed 3/8/19].

Related Document(s):

- a) Application for Entry of an Order Shortening Time Period for Notice, Under Fed. R. Bank. P. 9006(c)(1), Limiting Notice, and Setting Hearing for Approval of Bidding Procedures and Bid Protections [Docket No. 110; Filed 3/8/19].
- b) Order Shortening Time Period for Notice, Limiting Notice and Setting Hearing for Approval of Bidding Procedures and Bid Protections [Docket No. 111; Entered 3/8/19].
- c) Affidavit of Service [Docket No. 128; Filed 3/13/19].
- d) Order (A) Authorizing And Approving Bidding Procedures In Connection With The Sale Of Substantially All Assets Comprising The Debtors Pharma Business; (B) Authorizing And Approving Bid Protections; (C) Approving Procedures For The Assumption And Assignment Of Certain Executory Contracts And Unexpired Leases;(D) Scheduling A Sale Hearing; (E) Approving The Form And Manner Of Notice Thereof; And (F) Granting Related Relief [Docket No. 174; Entered on 3/19/19].
- e) Notice of Proposed Sale, Auction Date, Objection Deadline, and Sale Hearing [Docket 176; Filed 3/19/19].
- f) Transcript for hearing held on 3/18/19 [Docket 197; Filed 3/21/19].
- g) Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Proposed Sale of Certain Assets of the Debtors Relating to the Pharma Business [Docket 199; Filed 3/21/19]

- h) Supplement to Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Proposed Sale of Certain Assets of the Debtors Relating to the Pharma Business [Docket 216; Filed 3/25/19]
- i) Affidavit of Service [Docket No. 230; Filed 3/27/19].
- j) Affidavit of Service [Docket No. 231; Filed 3/27/19].
- k) Hearing Scheduled [Docket 238; Filed 3/28/19]
- l) Notice of Cancellation of Auction and Designation of Stalking Horse Bidder as the Successful Bidder in Connection with Proposed Sale of Certain Assets of the Debtors Relating to the Pharma Business [Docket 252; Filed 3/29/19]
- m) Notice of Amended Stalking Horse Asset Purchase Agreement for Pharma Business [Docket 258; Filed 3/31/19]
- n) Letter memorializing deadlines and scheduling of matters [Docket No. 318; Filed 4/3/19]
- o) First Supplemental Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Proposed Sale of Certain Assets of the Debtors Relating to the Pharma Business [Docket No. 338; Filed 4/4/19]

Objection Deadline: March 28, 2019 at 5:00 p.m. (ET) (March 30, 2019 at 4:00 p.m. (ET) solely for the Committee and Indenture Trustee; April 8, 2019 at 4:00 p.m. (ET) solely for the Prepetition Agent and DIP Agent)

Response(s) Received:

- a) Limited Objection of The Premier Group to the Cure Notice [Docket No. 228; Filed 3/27/19].
- b) Objection to Cure Amount of Reliance Vitamin [Docket No. 229; Filed 3/27/19].
- c) Reservation of Rights of Lyne Laboratories Inc. [Docket 234; Filed 3/28/19].
- d) Objection of Aucta Pharmaceuticals, Inc. to Potential Assumption and Assignment of its License Agreement with Rising Pharmaceuticals, Inc. [Docket No. 239; Filed 3/28/19].

- e) Limited Objection of FDC Limited to Pharma Sale Motion [Docket No. 241; Filed 3/28/19].
- f) Limited Objection of Sap America, Inc. to Pharma Sale Motion and Cure Notice [Docket No. 242; Filed 3/28/19].
- g) Limited Objection of Apicore LLC/Apicore US LLC to Cure Notice [Docket No. 247; Filed 3/29/19].
- h) Limited Objection of Pharmacy Select, LLP to Debtors' Cure Notice [Docket No. 250; Filed 3/29/19].
- i) Limited Objection of Murty Pharmaceuticals, Inc. to Debtors' Cure Notice [Docket No. 251; Filed 3/29/19].
- j) Limited Objection of Enaltec Labs Inc. to Notice of Potential Assumption and Assignment [Docket No. 253; Filed 3/29/19].
- k) Objection of Catalent, Inc. to Cure Notice [Docket No. 256; Filed 3/31/19].
- l) Limited Objection of Managed Health Care Associates, Inc. to Cure Notice [Docket No. 260; Filed 4/1/19].
- m) Joinder of Deerfield Generics, L.P. in Support of Objection of Catalent, Inc. to Cure Notice [Docket No. 261; Filed 4/1/19].
- n) Objection of Ingenus Pharmaceuticals NJ, LLC to Cure Notice [Docket No. 268; Filed 4/1/19].
- o) Objection of RiconPharma, LLC to Cure Notice [Docket No. 269; Filed 4/1/19].
- p) Objection to Proposed Cure Amounts of FDC Limited to Cure Notice [Docket No. 271; Filed 4/1/19].
- q) Objection of Cigna Entities to Pharma Sale Motion and Cure Notice [Docket No. 272; Filed 4/1/19].
- r) Limited Objection of OIC, LLC to Cure Notice [Docket No. 274; Filed 4/1/19]
- s) Objection of OptiSource, LLC to Cure Notice [Docket No. 275; Filed 4/1/19]
- t) Limited Objection of AmerisourceBergen Drug Corporation to Sale and Cure Notice [Docket No. 276; Filed 4/1/19]

- u) Limited Objection of EirGen Pharma to Profit Share Amount of the Debtors' Proposed Cure Notice [Docket No. 278; Filed 4/1/19]
- v) Objection of Pharmaceutical Sourcing Partners, Inc. to Cure Notice [Docket No. 279; Filed 4/1/19]
- w) Objection of RX Sourcing Strategies, LLC to Cure Notice [Docket No. 280; Filed 4/1/19]
- x) Objection of Walgreens Boots Alliance Development GMBH, Walgreen Co. to Cure Notice [Docket No. 281; Filed 4/1/19]
- y) Limited Objection of Anda Inc. to Cure Notice [Docket No. 282; Filed 4/1/19]
- z) Limited Objection and Reservation of Rights of Lyne Laboratories, Inc. to Cure Notice [Docket No. 283; Filed 4/1/19]
- aa) Limited Objection of Luitpold Pharmaceuticals, Inc. to Cure Notice [Docket No. 284; Filed 4/1/19]
- bb) Limited Objection of THINQ Pharma CRO. PVT. LTD. To Cure Notice [Docket No. 285; Filed 4/1/19]
- cc) Objection of Aurobindo Pharma Limited, Aurobindo Pharma USA Inc., and Aurolife Pharma LLC to Cure Notice [Docket No. 288; Filed 4/1/19]
- dd) Objection of Coating Place, Inc. to Cure Notice [Docket No. 291; Filed 4/1/19]
- ee) Objection of Costco Wholesale Corporation to Cure Notice [Docket No. 293; Filed 4/1/19]
- ff) Limited Objection of Ahold Delhaize USA, Inc. to Pharma Sale Motion [Docket No. 303; Filed 4/2/19]
- gg) Informal comments from the Committee, Shore Suven Pharma, Inc. (the "Proposed Purchaser"), United States Attorney's Office for the District of New Jersey (the "USAO"), and the United States Department of Justice on behalf of the United States Environmental Protection Agency (the "EPA").

Status: This matter is going forward. There were no objections filed to the proposed sale. The Debtors received various objections related to contracts/leases that may be assumed by the Proposed Purchaser. The Debtors, Proposed Purchaser and contract counterparties are working to resolve pending objections. The Debtors anticipate that many of the objections will be resolved prior to the hearing. The Debtors intend to submit a revised proposed order to the Court for

approval at the hearing that incorporates the informal comments from the Committee, Proposed Purchaser, USAO, EPA, and other parties.

2. Debtors Motion for Entry of an Order (I) Approving the Debtors' (A) Key Employee Retention Plan and (B) Key Employee Incentive Plan and (II) Granting Related [Docket No. 147; Filed 3/15/19].

Related Document(s):

- a) Debtors' Motion to Seal re: The Exhibit to the Debtors' Motion for Entry of an Order (I) Approving the Debtor's (A) Key Employee Retention Plan and (B) Key Employee Incentive Plan and (II) Granting Related Relief [Docket No. 148; Filed 3/15/19].
- b) Affidavit of Service [Docket No. 200; Filed 3/21/19].
- c) Letter memorializing deadlines and scheduling of matters [Docket No. 318; Filed 4/3/19]

Objection Deadline: April 1, 2019 at 11:59 p.m. (ET);

Response(s) Received:

- a) Objection of U.S. Trustee to Motion to Approve Employee Retention Plan [Docket No. 310; Filed 4/3/19]

Status: This matter is going forward.

3. Debtors' Motion to Seal The Exhibit to the Debtors' Motion for Entry of an Order (I) Approving the Debtor's (A) Key Employee Retention Plan and (B) Key Employee Incentive Plan and (II) Granting Related Relief [Docket No. 148; Filed 3/15/19].

Related Document(s):

- a) Debtors' Motion for Entry of an Order (I) Approving the Debtors' (A) Key Employee Retention Plan and (B) Key Employee Incentive Plan and (II) Granting Related Relief [Docket N. 147; filed 3/15/19].
- b) Affidavit of Service [Docket No. 200; Filed 3/21/19].
- c) Letter memorializing deadlines and scheduling of matters [Docket No. 318; Filed 4/3/19]

Objection Deadline: April 1, 2019 at 11:59 p.m. (ET);

Response(s) Received:

- a) Objection of U.S. Trustee to Motion to Seal Exhibit from the Motion to Approve Employee Retention Plan [Docket No. 309; Filed 4/3/19]

Status: This matter is going forward.

Dated: April 4, 2019

Respectfully submitted,

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